

BILL NO. Z-87-0809

ZONING MAP ORDINANCE NO. Z-

*Withman*

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. K-38.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated a B-1-B (Limited Business) District under  
the terms of Chapter 33 of the Code of the City of Fort  
Wayne, Indiana of 1974:

Beginning 403.7 feet North of the Southeast corner of  
the Southwest quarter of the Southeast Quarter of  
Section 15, Township 31 North, Range 12 East; thence  
North along East line of said quarter-quarter Section  
154.5 feet; thence North 88 degrees 52 minutes West  
292.3 feet; thence in a Southeasterly direction 156.7  
feet to a point 267.3 feet North 88 degrees 52 minutes  
West of the point of beginning; thence South 88 degrees  
52 minutes East 257.3 feet to the place of beginning.  
Less the following described area transferred to Public  
Right-Of-Way.

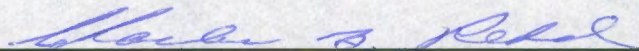
Beginning at the Southeast corner of the Southwest  
Quarter of the Southeast Quarter of Section 15,  
Township 31 North, Range 12 East, Washington Township,  
Allen County, Indiana; thence North 403.7 feet along  
the East line of the said Quarter, Quarter section line  
to a point; thence 197.2 feet West to the point of  
beginning; thence West 70.1 feet along the South  
property line of this tract to the Eastern boundary of  
S.R. #3; thence North 9 degr. 07 min. West, 155.7 feet  
along said boundary to the North property line; thence  
East 56.8 feet to a point; thence South 12 degr. 44  
min. East 47.5 feet to a point; thence South 13 degr.  
43 min. East, 48.5 feet to a point; thence South 14  
degree. 43 min. East, 48.5 feet to a point; thence  
South 15 degr. 22 min. East, 14.4 feet to the point of  
beginning, leaving a net acreage of 0.778 Acres.

and the symbols of the City of Fort Wayne Zoning Map No.  
K-38, as established by Section 11 of Chapter 33 of the Code  
of the City of Fort Wayne, Indiana are hereby changed  
accordingly.

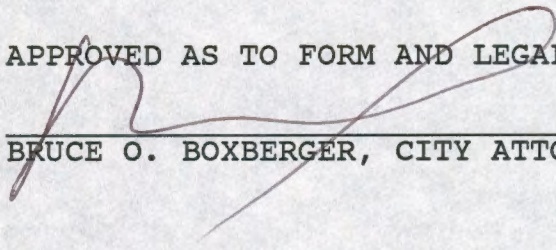
SECTION 2. That this Ordinance shall be in full force

Rezoning  
August 1987

and effect from and after its passage and approval by the  
Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
BRUCE O. BOXBERGER, CITY ATTORNEY

FOX RIVER BOND  
25% COTTON

Read the first time in full and on motion by Read  
seconded by Stier, and duly adopted, read the second time  
by title and referred to the Committee Regulation (and the  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort W.  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

DATE: 8-11-87

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_  
seconded by \_\_\_\_\_, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

WIN MOSES, JR., MAYOR

# RECEIPT

OK H 3157

No 2710

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 7/10 1947

RECEIVED FROM Universal Printers \$ 50.00

THE SUM OF Fifty DOLLARS

ON ACCOUNT OF 6008 Lima Road

Begone

[Signature]  
AUTHORIZED SIGNATURE

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

I/We JAMES D. WARREN and ERMA E. WARREN

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an "B1B" District the property described as follows:

North 154.5 feet of South 558.2 feet E. of ISC - SW 1/4 of SE 1/4 Sec. 15 -

1 acre and more commonly called 6008 Lima Road, Fort Wayne, Indiana

*See Attached*

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

James D. Warren

6008 Lima Road, Fort Wayne, IN

*James D. Warren*

Erma E. Warren

6008 Lima Road, Fort Wayne, IN

*Erma E. Warren*

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Frank J. Celarek, Attorney

130 West Main Street, Suite 22  
Fort Wayne, IN 46802

219/422-1561

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

**Legal Description of property to be rezoned.**

North 154.5 feet of South 558.2 feet E. of ISC - SW 1/4 of SE 1/4 Sec. 15 -  
1 acre - Allen County, Indiana, known as 6008 Lima Road, Fort Wayne, Indiana  
Real Estate key number--4840653

**Owners of Property**

James D. Warren	<u>Same as other side</u>	<u>James D. Warren</u>
Erma E. Warren	<u>Same as other side</u>	<u>Erma E. Warren</u>
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE  
This form is to be filed in duplicate.

NOTICE:  
FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.  
  
FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.

### Description

Beginning 403.7 feet North of the Southeast corner of the Southwest quarter of the Southeast Quarter of Section 15, Township 31 North, Range 12 East; thence North along East line of said quarter-quarter Section 154.5 feet; thence North 88 degrees 52 minutes West 292.3 feet; thence in a Southeasterly direction 156.7 feet to a point 267.3 feet North 88 degrees 52 minutes West of the point of beginning; thence South 88 degrees 52 minutes East 257.3 feet to the place of beginning. Less the following described area transferred to Public Right-of-Way.

Beginning at the Southeast corner of the Southwest Quarter of the Southeast Quarter of Section 15, Township 31 North, Range 12 East, Washington Township, Allen County, Indiana; thence North 403.7 feet along the East line of the said Quarter, Quarter section line to a point; thence 197.2 feet West to the point of beginning; thence West 70.1 feet along the South property line of this tract to the Eastern boundary of S. R. # 3; thence North  $9^{\circ} 07'$  West, 155.7 feet along said boundary to the North property line; thence East 56.8 feet to a point; thence South  $12^{\circ} 44'$  East 47.5 feet to a point; thence South  $13^{\circ} 43'$  East, 48.5 feet to a point; thence South  $14^{\circ} 43'$  East, 48.5 feet to a point; thence South  $15^{\circ} 22'$  East, 14.4 feet to the point of beginning, leaving a net acreage of 0.778 Acres.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 11, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-08-09: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 17, 1987.

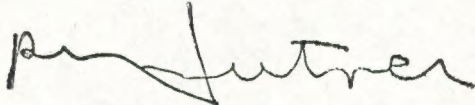
WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 26, 1987.

Certified and signed this  
29th day of October 1987.



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Robert Hutner  
Secretary

**ORIGINAL**

Admn. Appr. \_\_\_\_\_

COUNCILMANIC DISTRICT No. \_\_\_\_\_

**DIGEST SHEET**

**ORIGINAL**

**TITLE OF ORDINANCE** \_\_\_\_\_ Zoning Ordinance Amendment

**DEPARTMENT REQUESTING ORDINANCE** \_\_\_\_\_ Land Use Management - CD&P

**SYNOPSIS OF ORDINANCE** \_\_\_\_\_ 6008 Lima Road

3-87-08-09

**EFFECT OF PASSAGE** \_\_\_\_\_ Property is presently zoned R-1 - Single Family Residential.

Property will become B-1-B - Limited Business District.

**EFFECT OF NON-PASSAGE** \_\_\_\_\_ Property will remain R-1 - Single Family Residential.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)** \_\_\_\_\_

**DESIGN TO COMMITTEE (J.N.)** \_\_\_\_\_

# FACT SHEET

Z-87-08-09

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment  
From R-1 to B-1-B

### DETAILS

**Specific Location and/or Address**

6008 Lima Road

**Reason for Project**

Owners wish to operate a small letter press  
or print shop from home.

**Discussion (Including relationship to other Council actions)**

17 August 1987 - Public Hearing

Frank Celerak, attorney for the owners & petitioners stated that his clients wish to run a small letter press or small print shop from their homes. He state it would be an owner occupied business. He stated that all of the corners in the vicinity of this request are business locations. He stated that they meet the requirement for parking, which is 3 spaces. He stated they will not increase the traffic flow in the area with this business because it is a small operation run entirely by the husband and wife.

Steve Smith questioned if the petitioners had spoken to any of the property owners to the south to see if they would be interested in joining the rezoning request.

Mr. Celerak stated that they had not asked if they wanted to have their property rezoned but stated that the adjacent property owners had no objection to this rezoning.

### POSITIONS

### RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide  Other Areas
Applicants/ Proponents	Applicant(s) James & Erma Warren City Department  Other
Opponents	Groups or Individuals Richard Vaughn, Sec/Treasurer of Ludwig Pk Assn. Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against  Reason Against
Board or Commission Recommendation	By  <input type="checkbox"/> For <input type="checkbox"/> Against <input checked="" type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions) WITHDRAWN by Petitioner.
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

# DETAILS

Steve Smith questioned if a Use Variance might not be a better avenue to explore.

Richard Vaughn, secretary/treasurer of Ludwig Park Neighborhood Association stated that they are opposed to the rezoning request. He stated that the Ludwig Park area is being bombarded with businesses. He stated that they will fight the rezoning. He stated that they would prefer it be considered for a variance or some use that would limit the use to just what the people requesting the rezoning want to do. He stated they felt the commercial zoning would allow for too many varied uses to be placed on the property.

Steve Smith questioned if he was speaking for the association and questioned if the association had voted against the request.

Mr. Vaughn stated he was speaking for the association and had voted against the rezoning and would supply the Commission with a petition to that effect if they so requested.

Mr. Celarek in rebuttal stated that the area is at a distance from Ludwig Park and felt it would not effect them. He stated that his clients have not other intentions but to use the property for a small print shop. He stated that where his clients are presently located has a high overhead and they are looking to cut the cost of their small operation. He stated that the neighbors directly affected,

## POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

the adjacent property owners, do not object to the rezoning or the proposed use.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

26 October 1987 - Business Meeting

This petition was deferred at the August Business Meeting by the request of the petitioner. It was then deferred by the Commission at the September Business Meeting to the October 26, 1987 Business Meeting.

Motion was made by the Commission to accept the Withdrawal request as submitted by the petitioner, motion carried.

Of the eight (8) members present 7 voted in favor of withdrawal, one (1) did not vote.

Project Start

Date 10 July 1987

Projected Completion or Occupancy

Date 29 October 1987

Fact Sheet Prepared by

Patricia Biancaniello

Date 29 October 1987

Reviewed by

*Gary Batten*  
Reference or Case Number

Date

*10/30/87*

withdrawn.

BILL NO. Z-87-08-09

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of  
Fort Wayne Zoning Map No. K-38

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(~~RESOLUTION~~)

YES

NO

Janet G. Bradbury JANET G. BRADBURY  
CHAIRPERSON

Charles B. Redd CHARLES B. REDD  
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

Paul M. Burns PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

CONCURRED IN \_\_\_\_\_

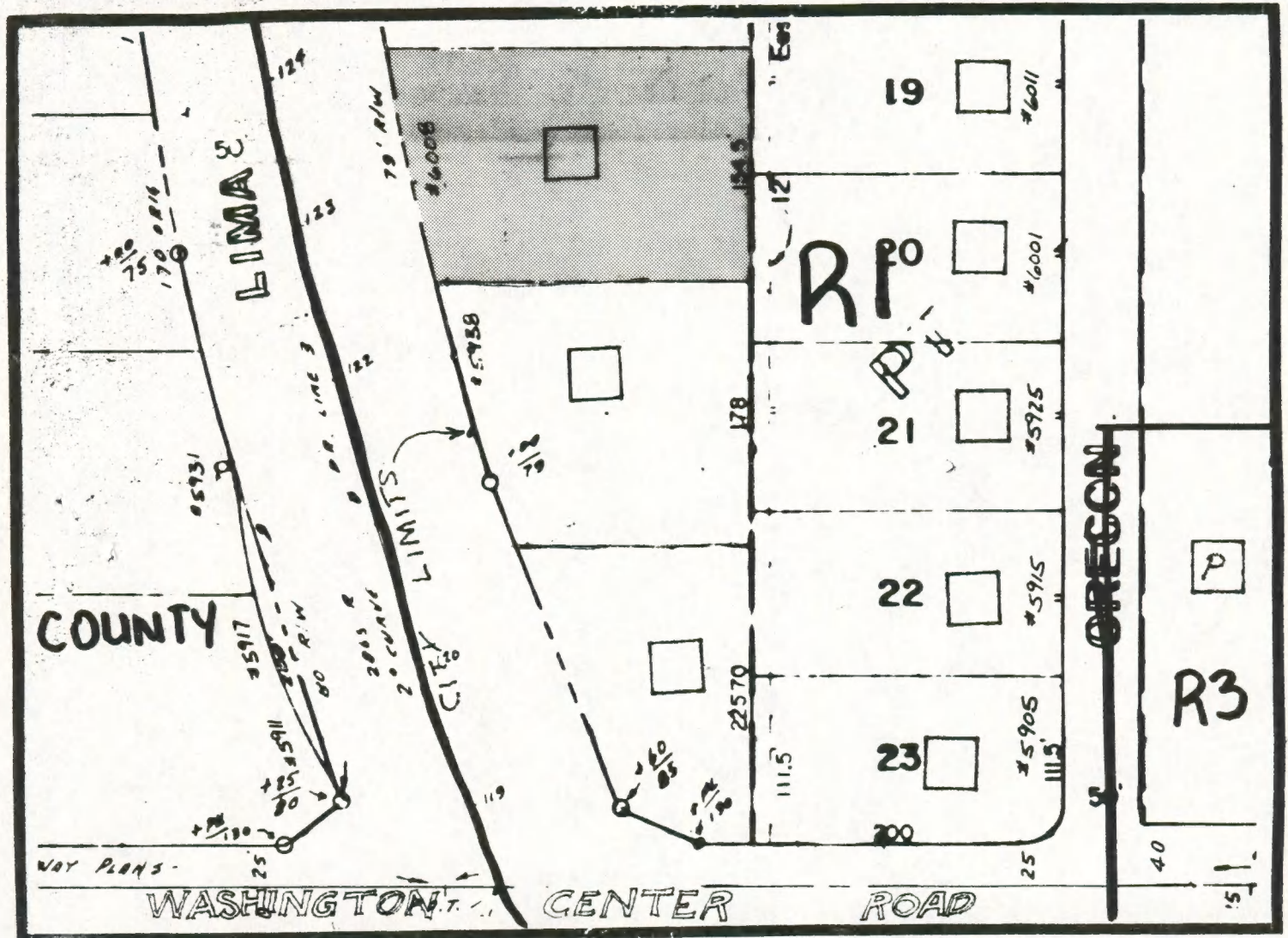
SANDRA E. KENNEDY  
CITY CLERK

# REZONING PETITION 287

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R1 DISTRICT TO A B1-B DISTRICT.

MAP NO. K-38

COUNCILMANIC DISTRICT NO. 3



## ZONING:

R1 RESIDENTIAL DISTRICT  
R3 RESIDENTIAL DISTRICT

## LAND USE:

□ SINGLE FAMILY  
P PUBLIC-CHURCH

SCALE: 1"=100'

DATE: 7-29-87

